

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING

(In compliance with a resolution of the House of Representatives of the 23d ultimo)

INFORMATION IN RELATION TO THE

EXECUTION OF THE LAW OF THE FIRST OF MAY LAST,

Amendatory of the "Act to provide for certain persons engaged in the land and naval service of the United States in the Revolutionary war."

DECEMBER 5, 1820.

Read, and ordered to lie on the table.

WASHINGTON:

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1820.

WAR DEPARTMENT,

December 4th, 1820.

SIR: In compliance with the Resolution of the House of Representatives, of the 23d ultimo, I have the honor to state, that, immediately after the passage of the act of the 1st of May last, it was deemed advisable to obtain the opinion of the Attorney General of the United States in relation thereto; and the regulations which have been adopted in the administration of that act have been in conformity with his opinion; a copy of which regulations is herewith transmitted. In determining whether an applicant ought to be retained on the pension list or not, I have not been governed solely by the fact whether he is maintained by public or private charity: but pensions have in no instance been continued without taking into consideration all the circumstances connected with the condition of the applicant, such as his age, health, the number of his family residing with him, their ability to contribute to his support, and the nature of his property; and where the applicant appears to be above indigent circumstances, he is not continued on the roll. In cases in which, after a consideration of all these facts, doubts still exist, reference is had to the nature and length of the service of the applicant.

Debts have not been considered, unless judgment debts of an old date, and mortgages given at the time of the purchase of the property. The enclosed statement will shew the number of those pensioners whose names have been continued on the roll under the act of the 1st of May last, and of those whose property has exceeded two hundred dollars in value, one of whom only, it may be proper to remark, had property to the amount of upwards of three hundred dollars, viz. three hundred and forty-five dollars.

I have the honor to be,

With great respect,

Your obedient servant,

J. C. CALHOUN.

Hon. JOHN W. TAYLOR,

Speaker of the House of Representatives.

Report of the number of persons continued on the Pension List, under the act of the 1st of May, 1820.

Total number continued on the Pension List, under the act of the 1st of May, 1820,	-	-	-	8,510
Total number of those whose property has exceeded 200 dollars	-	-	-	94

ORIGINAL CLAIM.

District of ——— *ss.*

On this — day of — 182 , personally appeared, in open court, (a) [being a court of record (b) for the district, circuit, county, or corporation, as the case may be,]

— aged — years, who, being first duly sworn, according to law, doth, on his oath, make the following declaration, in order to obtain the provision made by the acts of Congress, of the 18th March, 1818, and the 1st May, 1820, that he, the said — enlisted for the term of — on the — day of — in the year — in the state of — in the company commanded by captain — in the regiment commanded by colonel — in the line of the state of — on the — continental establishment; that he continued to serve in the said corps until — when he was discharged from the said service, in — in the state of —. (c)

That he was in the battles of — and that he has no other evidence, now in his power, of his said services, except —

And, in pursuance of the act of the 1st May, 1820, I do solemnly swear or affirm, (as the case may be,) that I was a resident citizen of the United States, on the 18th day of March, 1818; and that I have

(a) The whole of the form prescribed in the first section, to verify the amount of property of the applicant, the oath of the party and the certificate of the clerk excepted, must be done while the court is in session.

(b) All are courts of record, within the contemplation of the act of Congress,

1st. Which are expressly made courts of record by the laws of the state which create them;

2d. Which have been solemnly adjudged, by the tribunals of the several states, to be courts of record;

3d. Which proceed according to the course of the common law, with a jurisdiction unlimited in point of amount, keeping a record of their proceedings;

4th. Which have the power of fine and imprisonment;

And courts which proceed according to the course of the civil and canon law, having neither of those attributes, are not courts of record, although they may keep a registry of their proceedings, and possess a seal. The court should, in every instance, state, on the face of the proceedings, that it is a court of record, and state why it is such. [*Opinion of the Attorney General of the United States.*]

(c) If the declarant shall have served under more engagements than one, he should set forth the company, regiment, and line, or ship, vessel, or corps, in which he may have served, as also the time of entering, and the time and manner of leaving each service.

not, since that time, by gift, sale, or in any manner, disposed of my property, or any part thereof, with intent thereby so to diminish it as to bring myself within the provisions of an act of Congress, entitled "An act to provide for certain persons engaged in the land and naval service of the United States, in the Revolutionary war," passed on the 18th day of March, 1818; and that I have not, nor has any person in trust for me, any property or securities, contracts or debts, due to me; nor have I any income other than what is contained in the schedule hereto annexed, and by me subscribed. (d)

Sworn to, and declared, on the — day of — before —

I, — clerk of — do hereby certify, that the foregoing oath (or affirmation) and the schedule thereto annexed, are truly copied from the records of the said court; and I do further certify, that it is the opinion of the said court that the total amount in value of the property exhibited in the aforesaid schedule is — dollars and — cents. In testimony whereof, I have hereunto set my hand, and affixed the seal of the said court, on this — day of — 182

Clerk of the Court of the — of —

SCHEDULE.

District of — ss.

On this — day of — 182 , personally appeared in open court, (a) being a court of record, (b) for the said district, [circuit, county or corporation, as the case may be] — aged — years, resident

(d) Here enumerate each article of real and personal estate, necessary clothing and bedding excepted, and subscribe the same. The declarant must also mention his occupation, his ability to pursue it, the number and names of his family residing with him, their ages, and their capacity to contribute to their support, in order that the department may be enabled to decide whether the applicant is in such indigent circumstances as to be entitled to the pension. It is the opinion of the Attorney General, that the words of the third section of the act of the 1st of May, 1820, "in such indigent circumstances as to be unable to support himself without the assistance of his country," comprehend those only who are incapable of supporting themselves without the aid of the government, except by private or public charity.

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(b) All are courts of record, within the contemplation of the act of Congress,

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in — in said district, [circuit, county, or corporation] who, being first duly sworn, according to law, doth, on his oath, declare that he served in the Revolutionary war, as follows: (c)

And I do solemnly swear (or affirm, as the case may be) that I was a resident citizen of the United States, on the 18th day of March, 1818; and that I have not, since that time, by gift, sale, or in any manner, disposed of my property, or any part thereof, with intent thereby so to diminish it, as to bring myself within the provisions of an act of Congress, entitled "An act to provide for certain persons, engaged in the land and naval service of United States, in the Revolutionary war," passed on the 18th day of March, 1818; and that I have not, nor has any person in trust for me, any property or securities, contracts or debts, due to me; nor have I any income other than what is contained in the schedule here-to annexed, and by me subscribed. (d)

Sworn to, and declared, on the — day of — before —

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Clerk of the court for the — of —

(c) Here set forth the regiment, company, and line, or ship, corps, or vessel, and the date of the original declaration; and, if he has received a pension, the number of the pension certificate should be inserted.

(d) Here enumerate each article of real and personal estate, necessary clothing and bedding excepted, and subscribe the same. The declarant must also mention his occupation, his ability to pursue it, the number and names of his family residing with him, their ages, and their capacity to contribute to their support, in order that the department may be enabled to decide whether the applicant is in such indigent circumstances as to be entitled to the pension. It is the opinion of the Attorney General, that the words of the third section of the act of the 1st of May, 1820, "in such indigent circumstances as to be unable to support himself without the assistance of his country," comprehend those only who are incapable of supporting themselves without the aid of the government, except by private or public charity.

